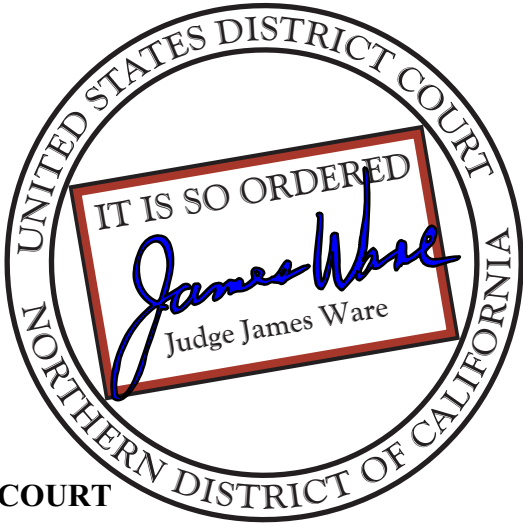


COUNSEL LISTED ON NEXT PAGE



**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DAVID HALTERMAN

Plaintiff,

v.

LEGATO SOFTWARE, a Division of
EMC Corporation; EMC Corporation,
dba EMC PERIPHERALS INC.; and
DOES I - X,

Defendants.

) Case No. C04-2660 JW (PVT)

) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **CONTINUING DEADLINE FOR FILING**
) **OPPOSITIONS TO MOTIONS IN LIMINE**
) **PURSUANT TO CIV. L.R. 6-2(A)**

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20 Attorneys for Defendant
EMC CORPORATION
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1 PURSUANT TO LOCAL RULE 6-2(a), Plaintiff David Halterman and Defendant EMC
2 Corporation (collectively, "the parties") stipulate as follows:

3 WHEREAS, the November 29, 2005 Order Following Preliminary Pretrial Conference
4 provided that in limine motions be filed on March 31, 2006, and that any opposition be filed three
5 weeks later on April 21, 2006;

6 WHEREAS, on March 30, 2006, the Court issued an Order Continuing Deadline For Filing
7 Motions In Limine, continuing the deadline for filing motion in limine from March 31, 2006 to April
8 7, 2006, in light of a pending motion before the Court;

9 WHEREAS, the Court's March 30, 2006 Order had the effect of reducing the time for the
10 parties to prepare and file any opposition to motions in limine, from three weeks to two weeks;

11 WHEREAS, on April 7, 2006, Defendant filed nine motions in limine (many of which
12 address several different categories of evidence), and Plaintiff filed four motions in limine;

13 WHEREAS, the schedule of Plaintiff's counsel, both in this case and in other pending
14 matters, will make it virtually impossible for Plaintiff's counsel to fully and properly respond to
15 Defendant's motions in limine in the shortened two week period;

16 WHEREAS, Plaintiff's counsel believes that having an additional weekend to work on the
17 preparation of their opposition briefs will greatly assist them in completing those briefs, and in
18 presenting their arguments in a manner that will ultimately assist the Court in reviewing and ruling
19 upon the motions in limine;

20 IT IS HEREBY STIPULATED by and between the parties to this action through their
21 designated counsel, that the parties respectfully request this Court to modify the November 29,
22 2005 Order Following Preliminary Pretrial Conference, by continuing the deadline for filing
23 oppositions to motions in limine from Friday, April 21, 2006, to Monday, April 24, 2006.

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DICKSON-ROSS LLP

/s/ electronically

Date: April 12, 2006, 2005

Jeffrey A. Ross
Attorneys for Plaintiff
David Halterman

ORRICK, HERRINGTON & SUTCLIFFE

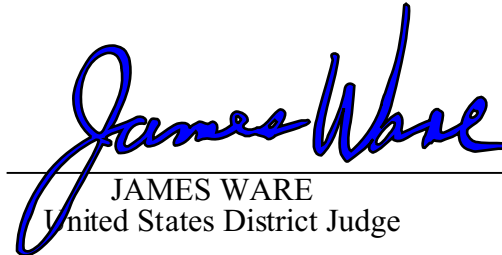
SIGNED IN COUNTERPART

Date: _____

Michael D. Weil
Attorneys for Defendant
EMC Corporation

IT IS SO ORDERED.

Dated: 04/17/06



JAMES WARE
United States District Judge

1 In accordance with General Order No. 45, Section X.B., I attest that concurrence in the
2 electronic filing of this **STIPULATION AND [PROPOSED] ORDER CONTINUING**
3 **DEADLINE FOR FILING OPPOSITIONS TO MOTIONS IN LIMINE PURSUANT TO**
4 **CIV. L.R. 6-2(A)** was obtained from Michael D. Weil.

5
6 */s/ electronically*

7 Date: April 12, 2006

8 _____
9 Jeffrey A. Ross
10 Attorneys for Plaintiff
11 David Halterman
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